

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MONIQUE KATZ, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

EQUINOX HOLDINGS, INC.,

Defendant.

Case No.: 1:20-CV-09856 (VEC)

AFFIRMATION OF JAMES A. VAGNINI

JAMES A. VAGNINI, affirms, under penalty of perjury, pursuant to 28 U.S.C. § 1746 that:

1. I am an attorney admitted to practice law in the State of New York and the United States District Court for the Southern District of New York and a founding member of Valli Kane & Vagnini LLP, attorneys for Plaintiff Monique Katz (“Katz”).

2. I am fully familiar with the facts and circumstances herein.

3. I submit this second affirmation in support of Plaintiff’s Motion for Conditional Certification of A Collective pursuant to 29 U.S.C. § 216(b) (the “Motion”).

4. Katz used letters to mark her exhibits in support of the Motion. Defendant Equinox Holdings, Inc. (“Equinox”) then also used letters to mark its exhibits in opposition to the Motion. To avoid any confusion, Katz will use numbers to mark her exhibits in connection with any future motions.

5. Annexed hereto as Exhibit J is a true and correct copy of the November 11, 2021 Declaration of Jessica Reilly that was obtained after the Motion was filed.

6. Annexed hereto as Exhibit K is a true and correct copy of the November 7, 2021 Declaration of Junil Rodriguez that was obtained after the Motion was filed.

7. Annexed hereto as Exhibit L is the true and correct copy of the affidavit of Rigoberto Taveras that was filed with the Court in connection with the action styled, *Taveras v. LSTD, LLC*, No. 18-CV-903 (VEC) (S.D.N.Y.).

8. Annexed hereto as Exhibit M are true and copies of Katz's, Opt-in Plaintiff Quinn Tew's and Opt-In Plaintiff Colleen Faulkner's paystubs. These paystubs demonstrate that there is no correlation on the paystubs between the number of personal training sessions per pay period and the time spent on session-related activities.

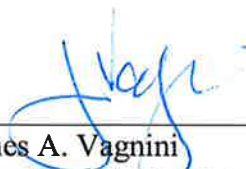
9. Exhibit N is a true and correct copy of Equinox's New York locations that are listed on its website www.equinox.com and a true and correct copy of a printout from www.mapdevelopers.com/draw-circle-tool.php that demonstrates a 29.79-mile radius of Manhattan, New York.

10. Annexed hereto as Exhibit O are true and correct copies of the declarations of Joshua Tolin and Tracey Sutton that were filed in the action styled, *Fodera, Jr. v. Equinox Holdings, Inc.*, 3-19-CV-05072 (N.D. Cal.)

11. Annexed hereto as Exhibit P is a true and correct copy of Michael Laird's declaration and exhibit E to Michael Larid's declaration that was filed in the action styled, *Rosales v. Equinox Holdings, Inc.*, No. 3:18-CV-0356, 2019 WL 1753962, at *5 (N.D. Tex.).

12. Annexed hereto as Exhibit Q is a true and correct copy of the United States Department of Labor, Wage and Hour Divison, Fact Sheet Number 20.

Dated: March 23, 2022
Garden City, New York



James A. Vagnini
Valli Kane & Vagnini LLP
600 Old Country Road, Suite 519
Garden City, New York 11530
T: (516) 203-7180

F: (516) 706-0248
Attorneys for Plaintiff